

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY ALLEN COOK,

Plaintiff,

V.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
MARK WENTWORTH, LEIGH
GILLIVER, ERIN LYSTADT, RYAN
HARRINGTON, JENNIFER MEYERS,
JOAN PALMER, DEAN MASON,
JASON BENNETT, and ROBERT
JACKSON

Defendants.

CASE NO. 3:23-cv-5773

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on United States Magistrate Judge Michelle Peterson's Report and Recommendation ("R&R"). Dkt. No. 17. Judge Peterson recommends that this Court dismiss all Plaintiff's claims against Defendants Dean Mason, Jason Bennett, and Robert Jackson. Judge Peterson recommends dismissal because Plaintiff has failed to identify any affirmative act or omission by any of these individuals that caused him harm or any causal connection between their conduct and a constitutional violation. This is a fatal defect in his Section 1983 lawsuit.

No one has objected to the R&R and the time for objecting has passed. *See generally* Dkt. Because there were no objections, the Court may adopt the R&R if it is satisfied there are no clear errors on the face of the record. Fed. R. Civ. P. 72(b) Advisory Committee's Note to 1983 Amendment. The Court agrees with Judge Peterson's reasoning that Plaintiff has failed to state a claim for relief against Mason, Bennett, and Jackson.

Having reviewed the R&R and the remaining record, the Court finds and ORDERS as follows:

- (1) The Court ADOPTS the R&R. Dkt. No. 17.
- (2) All claims against Defendants Dean Mason, Jason Bennett, and Robert Peterson are DISMISSED without prejudice.
- (3) The Clerk is directed to send copies of this Order to the parties and to Peterson.

Dated this 8th day of February, 2024.



Jamal N. Whitehead
United States District Judge